

COMMITTEE ON LAND USE
(Standing Committee of Berkeley County Council)

Chairman: Mr. Charles E. Davis, District No. 4

Members: Mr. Milton Farley, District No. 1
Mrs. Judith K. Spooner, District No. 2
Mr. William E. Crosby, District No. 3
Mr. Steve M. Vaughn, District No. 5
Mrs. Judy C. Mims, District No. 6
Mr. Caldwell Pinckney, Jr., District No. 7
Mr. Henry L. Richardson, Jr., District No. 8
Mr. James H. Rozier, Jr., Supervisor, ex officio

The COMMITTEE ON LAND USE met on Monday, February 12, 2001, Berkeley County Office Building, 223 North Live Oak Drive, Moncks Corner, South Carolina, at 7:02 p.m.

PRESENT: Mr. Charles E. Davis, Councilmember District No. 4, Chairman; Mr. Milton Farley, Councilmember District No. 1; Mrs. Judith K. Spooner, Councilmember District No. 2; Mr. William E. Crosby, Councilmember District No. 3; Mr. Steve M. Vaughn, Councilmember District No. 5; Mrs. Judy C. Mims, Councilmember District No. 6; Mr. Caldwell Pinckney, Jr., Councilmember District No. 7; Mr. Henry L. Richardson, Jr., Councilmember District No. 8; Mr. James H. Rozier, Jr., Supervisor, ex officio; and Mr. D. Mark Stokes, County Attorney.

The requirements of the Freedom of Information Act have been complied with by posting the time, date, place and agenda of this meeting of Berkeley County Council at the entrance to the Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina, and a copy of such notice was mailed to all Councilmembers and the News media.

Chairman Davis called the meeting to order and stated the first item on the agenda was Discussion of R-2R (f) Zoning Classification. He stated it has been two to three months since this was adopted and they need to determine what they are going to do.

Councilmember Mims stated there was a meeting with the citizens at Chaparral Ranches and they are in the process of getting the names and addresses to her so that this item could be placed on the Land Use Agenda for March 12, 2001. She stated they have until March 1 to get this information to her in order to give the Planning Department time to locate TMS numbers, specifically for her district. One landowner had given her several names of the property owners and one was not in her district; so, she told them to call the representative for their district.

Councilmember Crosby stated R-2R (f) could be used countywide but they are strictly concentrating on the areas they had dealt with for over a year. Chairman Davis stated they need to determine whether they are going to leave applications open for everybody in those areas to come forward and make a claim for a zoning change, and they must check whether the time restraint should be for 60 days, and after that they would have to pay the \$100 fee.

Councilmember Mims stated she had told her constituents to give her the names and addresses by March 1 and after that they would have to apply themselves.

Councilmember Spooner stated there are several people here this evening from those areas and for clarification, they had worked on this over a year, but at no time did she ever envision a zoning classification that could be used hit or miss. For example, one person could have it and his neighbor didn't have to. If they were looking at adopting this classification, each community would have to adopt it completely; if it's not done that way, there is no way that we as a County could enforce it. If people turn in their names and there are 25 out of 100 that say they want it that is not enough of the community, especially if they are scattered around. If a simple majority wants it, then the whole area ought to be zoned that way. Councilmember Spooner stated this area is zoned R-2 and if it does not go to R-2R (f), then as a County they need to go back and enforce R-2. She stated there has to be some kind of logic; she doesn't know what the other Councilmembers feel, but she would never support splitting the communities up by having them zoned differently.

Councilmember Vaughn stated the intent was to do the whole community and if it is not done that way there is no way the Supervisor or his staff could enforce this ordinance.

Supervisor Rozier stated it's not a question of enough staff; it is a question of "how do you keep up with it?" Councilmember Mims stated that is exactly what she said from day one. She stated these folks were told over and over that there were only two ways they could apply for this classification, which was through their Councilmembers at no cost, or they could apply themselves. Supervisor Rozier stated he explained three legal ways they could apply: 1) the Councilmember could apply for all at one time; 2) they could set a date for as many that want to apply; or 3) leave it alone and let them apply when they want to and pay \$100. The community mentioned something about building one house per acre; that certainly couldn't happen unless it was the whole community; that only takes place in the R-2R (f) zoning. He stated that when they created a classification where a community could have horses, it was one horse for the first two acres and one horse for each additional acre, which is R-1R and R-2R. Mr. LeaMond stated subsequent to that there were some individuals who requested that, but it was primarily done for an individual subdivision.

Councilmember Richardson asked could they set a deadline for the application through the Councilmember and all others who apply after the deadline would be charged \$100? Supervisor Rozier stated that would be piecemealing, which would say to Codes Enforcement that they could enforce this; and he doesn't know how you would enforce it. Councilmember Richardson stated they are talking about one specific area, not the entire county. Supervisor Rozier stated that if part of the lots are zoned one way and part another, there is no way to enforce it. Chairman Davis stated they are trying to set a deadline for everybody to apply, then they would address which way they would go at that time.

Councilmember Spooner stated there are five communities and if one total community wants to go with the R-2R (f) and the other community doesn't, fine, but it has to be done as a total community.

Supervisor Rozier asked were they saying that if more than 50% of the people apply the whole community would be changed? Mr. LeaMond stated there are five subdivisions, Forest Acres, Chaparral Ranches, Marshall Acres, Lakewood and Creekside.

Chairman Davis asked about the March 1 deadline. Councilmember Mims stated she told the folks in Chaparral Ranches to submit their names and addresses by March 1 and she would make application for them. Councilmember Spooner asked would that be for the whole community? Councilmember Mims stated no, she would be applying for those that submit their names. Supervisor Rozier stated that if they are going to apply they would need to come into the Zoning office and how would they advise the community? Councilmember Spooner stated she would not have a problem with a petition of the names of the people who want to apply; it would certainly be a lot easier and she would accept that. Councilmember Vaughn stated this Council is not going to support piecemealing. He stated that if the people come in to apply and pay the \$100 knowing that Council is not going to support it would be a waste of time. Councilmember Richardson stated the message to the community would be that they get the majority together to get it passed.

Councilmember Crosby stated they need to set a deadline and if it doesn't happen by that date they need to go back to R-2.

Supervisor Rozier asked how would they keep up with this? Councilmember Richardson suggested the people come in and apply and staff would tally the majority. A citizen in the audience asked how would they enforce it? Supervisor Rozier stated it couldn't be piecemealed through a community; no matter how many people he has on staff, it would be a nightmare to enforce.

Councilmember Crosby stated he would move that each individual who wants to apply come into the Zoning Office by May 1 at no charge.

Councilmember Vaughn stated there should be a place in the County Office Building that everybody in those five communities could come and put their name on the list and register with the County. If it's not a majority they are not going to support it.

Supervisor Rozier indicated that there would be a list for each of those five communities; we would get the TMS numbers along with their name and their preference of zoning. He stated staff would determine whether it was more or less than fifty percent by May 1.

Mr. Metts stated GIS has the capability of running a printout of all the property owners in each subdivision and they would be able to keep track as to when they reach fifty percent plus one. He stated he would suggest they come to Planning & Zoning to apply. Supervisor Rozier asked would the \$100 application fee be waived? Council agreed that the \$100 fee would be waived. Councilmember Vaughn stated this process should be done discretely. If they don't want the neighbors to know what they feel, allow them to come up and apply, check them off the list and let them go. They don't have to know who is for or against it. Councilmember

Richardson stated he would rather know for sure who is for it to make sure they know this is what they want. Councilmember Vaughn stated that could be done but the neighbors signature doesn't have to be shown to each other. Supervisor Rozier asked when could they have the list ready? Mr. Metts stated they should be ready by Monday, February 19, 2001.

Mr. Paul Jones asked why should the people who don't want it have to come down and check off on a list? He stated the property owners who want it could apply for it by TMS number and sign their name. Supervisor Rozier indicated that anybody that doesn't show up and apply wouldn't count in the fifty percent. Mr. Jones stated when he initially sent out the questionnaires he was trying to get over fifty percent of the people who wanted the R-2R and he didn't get the participation. Supervisor Rozier stated many of those people indicated they wanted to have their horses and didn't want R-2R (f). Mr. Jones stated this is going to solve it individually; there are 512 families and he has all of the TMS numbers.

Supervisor Rozier asked are they going to take fifty percent of the people that says yes or no, or are they going to take fifty percent of the property owners that apply? Councilmember Vaughn stated they want fifty percent of the property owners, not the amount of people that apply. Supervisor Rozier asked are they going to assume that the property owners that don't show up are against it? Council agreed.

Ms. Sharon Mims stated that if she has R-2 and the neighbor wants R-2R (f), R-2 is not being enforced, how would they enforce she and her neighbor having different rules for different classifications? Councilmember Vaughn stated they wouldn't have that; they would either do the whole community R-2 or R-2R (f). Ms. Mims asked could they guarantee that the Code enforcers are going to come out and enforce the zoning? Supervisor Rozier stated they can enforce the community if it is zoned the same thing. They hadn't been enforcing the change because of the moratorium for those areas. If the moratorium were not in place, the horses would be gone. Ms. Mims stated the horses is not her worry, the junkyard is. Chairman Davis stated that's a different situation.

Supervisor Rozier indicated Codes don't come out and bridle up the horses and hall them off; they don't load up the trash and hall it off. They are given time limits to get things done; it goes through the legal process, which could be 60 to 90 days or longer. Once the process is completed things are cleaned up. He indicated that a property owner that doesn't come in and ask for a change, if they had horses when the original zoning was done, the horse would be grandfathered; it would be the same with the goats, etc.

After much discussion, Councilmember Vaughn seconded Councilmember Crosby's motion that the deadline for application would be May 1; and it was passed by voice vote of the Committee.

Item B was Discussion in regard to travel trailer parked on the corner of Indian and Tomahawk Drives Sangaree:

Comments by:

Bruce A. and Debbi Chambers
Kenneth W. Jones and Lisa A. Likes

Mr. Bruce Chambers of 401 Indian Drive stated they had been residents for about 15 years. Approximately on December 8 a 45 ft. fifth wheel travel trailer moved next door to the home that was recently purchased by Kenneth Jones and Lisa Likes. A week later they called Codes Enforcement and issued a complaint that the travel trailer was being lived in. The trailer has extendable sides, it is a fully independent self-contained mobile home, it has water, heating, light, satellite dish and TV antenna. He stated they were told that the officers would go down but he called later and found that a Temporary Use Permit had been issued and that the trailer would definitely be gone by January 31, 2001. On January 28 he and his wife called and found that the permit had been extended until the end of March. They met with Mr. LeaMond, Mr. Metts and Mr. Rozier concerning this. He stated the covenants and restrictions of their subdivision particularly prohibit this; and he quoted "no structure of a temporary character trailer, basement, tent, shack, garage, dog pen, barn or other out buildings shall at any time be used for human habitation temporary or permanently." Mr. Chambers stated this variance of a Temporary Use Permit was given to them because of a humanitarian situation. The gentleman living in the trailer has had dental and neck surgery. They were told that it would be an eight-week recovery, which was the result of a scheduling conflict at the hospital. Mr. Chambers stated he didn't want Council to characterize he and his wife as uncaring; his wife has been a nurse for 23 years, he is also, a Registered Nurse and presently works for the Red Cross. However, they have lost all sense of privacy due to this trailer being moved in. He has a petition with 17 signatures that was faxed to Mr. Rozier. They also gave Mr. Metts a copy of a request under the Freedom of Information Act on January 28 asking for all applicable documentation. He stated that was held up because the County Attorney needed to address whether any type of medical information could be handed over; to date he has received no information at all. It makes it difficult to construct a proper time line on all of this. At the same meeting Mr. Metts gave him a copy of Ordinance 99-7-40, Temporary Use Permit, Section 15.8, which says under B), "the issuance of a Temporary Use Permit must be in the best interest of the community's welfare; C) the Temporary Use Permit may be issued only for the temporary use of a Manufactured Mobile Home; E) prior to the issuance of a Temporary Use Permit the Zoning Administrator shall use all reasonable efforts to obtain written comments from all abutting landowners of the property for which the permit is issued and such comments shall be considered by the Zoning Administrator in his/her decision to grant or deny the Temporary Use Permit." Mr. Bruce indicated that after March 31 they have an additional 30 days before the trailer actually has to be moved. At no time was anyone in the neighborhood ever consulted about this. Everything that has transpired came in through the back door. He stated that Mr. Likes and Mr. Jones didn't attend any Council or Zoning meeting before moving this trailer in. The important point is to find out exactly what has to be done. There is no reason for him to think that the rehabilitation of the gentleman that is occupying that structure can't take place 10 minutes down the road with this trailer in a KOA campground. The fee is \$21 per night or \$310 a month; this trailer has already been there eight weeks.

Supervisor Rozier indicated to Mr. Chambers that he was informed that he was given the wrong ordinance. Mr. Chambers stated they said that but never sent the correct ordinance. Ms. Chambers stated that she tried to explain to Mr. LeaMond that what he gave them did not appear to be the correct ordinance. What he sent them was documentation indicating why Mr. Metts had the authority to do what he did. At no time in their conversation did it become apparent to him that they understood that this was in his line of authority but they wanted to see the right ordinance. He told them that what they got was correct but he wanted to send them additional information to clarify the authority of the Zoning Administrator; never did they receive anything other than that.

Councilmember Richardson asked in reference to losing privacy where was the house located? Mr. Chambers stated the back of his home faces the back of their home. They have moved the trailer closer to an out building that is there. He stated he and his family try to enjoy the privacy in the yard they have. They can't keep their blinds open, they have smoked glass and he can look out through the back yard and see their television. He stated there is a lot going on in Sangaree, such as, boats, trains, trucks, ducks, etc., but he can't be responsible for 2500 homes; he takes part in what happens in his little section. There is a gentleman that lives a few homes away that doesn't take care of his home, "I don't know why, it's none of my business." Mr. Chamber stated a six-foot privacy fence does a lot, which is why the prior landowner had this kind of fence. The neighborhood is being torn apart and they still have trucks going up and down the road. People come by and they think to themselves that there is no problem doing that. A lot of residents don't come to Council because they have given up hope. He stated they have been fighting the fight and they are asking for some cooperation.

Ms. Chambers stated it is there position that while the gentleman needs a rehabilitative phase that the location of that trailer is not key in the backyard of a Single-Family dwelling. His rehabilitation can be taken care of in the home and that trailer could have been left in whatever state of origination it came. That trailer could be in an appropriate place, i.e. a campground. The trailer is not the key to his rehabilitation, which is the reason the humanitarian Temporary Use Permit was given.

Ms. Lisa Likes of 100 Tomahawk, Summerville stated her father Robert Weber and her mother are staying in the RV in question. When they moved into Sangaree in November, they liked the neighborhood, which is why they chose it. They moved from College Park and they are in the same situation as Sangaree as far as not having an active Homeowners' Association and people look out for each other. She stated there are two other RVs that she knows of that are hooked up in front yards. So, parking the RVs seemed to be an acceptable practice in this neighborhood. She stated her parents have been on the road and spent their whole life working and saving. They sold their home in Mt. Pleasant and bought this RV with the goal to travel the country. Most of their doctors are in this area and when her mom needed to be seen about her hip replacement, they came back to this area. They moved the RV in because that was convenient. They could probably stay in the KOA but at the time they moved it in it looked like an acceptable practice in the neighborhood. It was very convenient for her not to have to travel down the road with meals back and forth; if they need something they are right outside her back

door. Ms. Likes stated that when they found out the neighbors didn't like it and the lights were bothering people, her mom has been fanatical about keeping the blinds on the RV closed. When they moved the RV in they took down a section of the fence to put it in the backyard; they didn't want to put it on the side of the yard even though there was enough room for it to be put there. As soon as they got the RV in they put the fence back. She stated they had asked the Chambers if there was anything they could do to take care of the situation that would be a little less untenable and there was nothing short of removing the trailer that they could say. Ms. Likes stated that at anytime she had dealt with anyone from the County, "Debbie Elliott all the way to Mr. Metts" she had received nothing but kindness, consideration, they all have been polite and she loves living in Berkeley County.

Councilmember Vaughn asked how much time was allotted for the RV to stay there? Ms. Likes stated that when the Code Officers initially came out she wasn't home and they spoke with her dad. They were told that the RV could stay there until January 31 and to inform the office if something else came up. When they first moved in and started dealing with Codes Enforcement, by the time January 31 came along her dad encountered other health issues that need to be taken care of; originally, it was for her mom. So, they decided that since they were there they probably needed to get everything taken care of at once so that when they leave all would be well. They consulted the two doctors to get everything done and to find out what his recovery time would be before he could leave, which was March 31. She stated her dad did not work all of his life so he could park in her backyard; this is something for their family at this time. She had spoken with some of her neighbors, she doesn't have a petition but some of them seem to understand. Councilmember Vaughn asked if regardless to what happens they could be out by the March 31? Ms. Likes affirmed.

Councilmember Spooner asked were they buying or renting the property? Ms. Likes indicated they have purchased the property. Councilmember Spooner asked was the trailer there before she obtained a permit? Ms. Likes stated she did not know that a permit was needed when they moved the trailer in. Codes Enforcement was called and came out. They assumed that it was okay because of other vehicles of this nature in the neighborhood, which was an error on their part.

Councilmember Vaughn stated it's not a matter of the trailer being parked there; living in it is what creates the problem.

Mr. Stokes, County Attorney, stated this situation is really a matter for the Board of Zoning Appeals (BZA) as opposed to Council. A decision by the Zoning Administrator was to allow the travel trailer to stay on that lot until March 31, which was an exercise of discretion he has under our Zoning Ordinance, Section 14. The appeal of that exercise of discretion would be to the Zoning Board of Appeals, which is done by filing an appeal within 30 days of notice of the particular action by the Zoning Administrator. So, the proper procedure for any person complaining of the exercise of discretion would be to appeal that decision to the BZA. That Board has the authority to reverse the decision made by the Zoning Administrator, affirm it in part or reverse it in part. If the complainant were to appeal to the BZA, the issue would be moot by the time it got there. Ms. Robinson stated the next meeting of the BZA would be held on the

third Tuesday, which is March 20, 2001. Mr. Stokes reiterated that it is not illegal under the Zoning Ordinance to park a travel trailer in one's backyard in an R-1 situation because that is a customary and incidental use of the property, either/or. That would not be a violation according to the way the ordinance is drafted; the violation is where someone is living there in a Single-Family district.

Councilmember Crosby stated the Chambers should apply to the Appeal's Board in case something comes up and they are not moved by that time. Mr. Stokes stated that if the Zoning Administrator does not further extend the variance they would have to move. The agreement that was issued in this situation was not a Temporary Use Permit; it was an in-house permit through the proper exercise of discretion of the Zoning Administrator.

Councilmember Mims asked would they be given a warning as to when they need to move? Mr. Stokes stated the Codes Enforcement Officers would normally give them a warning--15-30 days. The Restrictive Covenants are civilly enforceable, any person within that neighborhood that the covenants affect could bring an action to Circuit Court to basically get an injunction to have that person cease activity if it is in violation of the covenants.

Ms. Likes asked if it were brought forth civilly, would it be against one property owner or all who are in violation? Chairman Davis stated it is an agreement between landowners.

Mr. Bruce Chambers stated he would like to withdraw his complaint.

Chairman Davis stated Item C was Consideration prior to First Reading of the following: Held in Committee – did not receive First Reading:

1. Bill No. 00-78, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Larry Miller, 1771 Highway 52, Moncks Corner, TMS #181-02-02-050 (0.35 acres), from R2, Mobile Home Residential, to CG, General Commercial. Council District No. 8.

Comments by:

Larry Miller
Ronnie Williams

Mr. Larry Miller of 7 Duffers Court, Charleston, SC stated that he took an early retirement from the Naval Shipyard in 1993, obtained a Real Estate license and had been employed by Prudential Carolina until a year and a half ago. He stated he and his wife along with Elaine Brabham, their partner, decided to try a little ma and pa operation. He stated his daughter and her husband live in Moncks Corner and had sold their home on Gebar Lane off of Old Hwy. 52 and bought a lot in Sterling Oaks to build a home. Once they opened their company, he encouraged his daughter to get a Real Estate license and she did. Mr. Miller stated his daughter needed a place to live while their home was being built, so, they rented the small home next door to the property in question. He noticed a for rent sign on a small building owned

by Sandi Southard, Ronnie Williams' daughter, while visiting his daughter one day. Mr. Miller stated he asked what was Sandi going to do with the building and her reply was she really wants to sell it and he quickly thought that this would be a great little Real Estate Office. He stated Sandi told him how much she wanted for the building and he put in an offer to buy it, and he wanted to make sure that he could have a Real Estate Office there. He discussed it with Sandi and Jason Southard and they told him that Mr. Williams agreed that he would take care of the zoning change and paperwork. This was September 6 and they were scheduled to close November 30. About a week before closing his daughter got a call from Sandi Southard indicating her dad told her to withdraw the zoning request and if she didn't he would fight her all the way. He stated, working in Real Estate he knows a little about property value and he certainly wouldn't want a juke joint or service station next to his house. He stated he got with the Zoning Department and Heather Gilbert, the closing attorney, and they drew up a deed restriction. He met with Mr. Williams and presented the document and assured him that he wasn't some big businessman trying to take over the whole world, but he thought this little building would be a great little Real Estate Office. Mr. Williams told him that deed restrictions were hard to enforce. During that conversation Mr. Williams also told him that he would rent that building to him, and he was a week away from closing. He stated he indicated to Mr. Williams that no matter who owns that building the zoning would still have to be changed for a Real Estate Office. Mr. Williams' comments were yes, but I'll be in control. So, he questioned whether or not the concern was over it being a Real Estate Office or who is control. Mr. Miller stated he tried to persuade Mr. Williams that he was a nice guy whom he could believe and he was just as interested in keeping the place nice just as he did. He stated just as Mr. Williams' daughter had a dance studio, he would like to use the little building for his daughter to have a little Real Estate Office so she won't have to travel back and forth to Charleston.

Chairman Davis indicated to Mr. Miller that Staff and the Planning Commission had recommended approval for his zoning change. Mr. Miller stated he was here two weeks ago and Councilmember Spooner told them to come back so the Committee could hear from the people who were involved.

Councilmember Vaughn asked Mr. Miller would he consider going to Office Institutional instead of General Commercial? He stated he understands the situation that he and Mr. Williams are in. Recently, a General Commercial zoning was granted on College Park Road and unfortunately he owned the piece of property next to it and had to abstain from voting. He was totally against it being zoned Commercial because it opens the door to a lot of different businesses; he was more in favor of it being zoned Office Institutional, which would put limitations on what could be there. Mr. Miller stated he did not go with OI because the Zoning Office told him that this would be spot-zoning and it couldn't be done. Mr. LeaMond stated the property is not contiguous to anything that is zoned Office Institutional. Councilmember Mims stated the people in Berkeley Country Club stated it was not contiguous. Supervisor Rozier stated it is contiguous to Commercial across the street.

At this time Mr. LeaMond pointed out the location of the property on the map and what it was next to. (His explanations were not audible)

Councilmember Vaughn asked what could be put in Office Institutional? Mr. LeaMond stated, Medical or Dental, Real Estate and Lawyers Offices. Councilmember Vaughn stated that sounds more appropriate for that area. Mr. LeaMond stated yes, if it was contiguous to other properties zoned likewise; they don't have anything remotely close to this property. It was only contiguous to General Commercial other than residential use. Mr. Stokes stated it is a separate classification under the ordinance and could constitute spot-zoning. Councilmember Vaughn indicated that perhaps this should be modified; anything Office Institutional should be contiguous to another commercial classification. Mr. Stokes stated it could be only if the permitted use groups are classified together as R-1 or R-2 might be. Supervisor Rozier stated that doesn't defeat what Councilmember Vaughn said. If they are combined together, anything could be put in that area, service stations, etc. He stated it doesn't make sense that you couldn't put an office next to commercial. Councilmember Vaughn stated it should be a transition from Commercial to Residential and typically what they would want to use is Office Institutional for professional services. Mr. Stokes stated that would be true if there is more than one lot side by side. Councilmember Vaughn stated he would like for them to look into this and discuss it later; however, they do want to hear from Mr. Williams.

Mr. Ronnie Williams stated he is not an adjacent property owner but his son is, and he is one house down from him. When something is zoned General Commercial or Office Institutional it affects the value of neighboring properties. He stated his home is already next to a property that's zoned commercial because the building existed at the time of zoning. He believes that at the time zoning was done that the property adjacent to him, which was vacant that belongs to Eddie Southard and is a Construction Company would not have been zoned Commercial; it probably would have been zoned residential. Mr. Williams stated he stated he doesn't remember telling Mr. Miller that he would rent him the building; he doesn't own the building; his daughter owns the building and sold it to Mr. Miller. He stated he could have purchased the property but he didn't want the building, but he doesn't want it to be zoned commercial; it affects the value of the adjacent properties. Councilmember Vaughn stated he disagrees. If there were a Real Estate or Lawyer's Office next to his home versus someone who would buy a small house and turn it into a shack, it would impact his property value more. Mr. Williams stated they are talking about .35 of an acre, the property wraps around the building. He stated he had it surveyed that way because his daughter owns the house next to it; it's a small tract, not 2.5 to 5.0 acres like the other properties adjacent to it. This property has a building on it, which was an old garage his father-in-law had years ago. Councilmember Vaughn asked what would he use the building for or would he just tear it down? Mr. Williams stated he was not going to get into that. He stated he told Mr. Miller that he would be against a General Commercial zoning change on this piece of property. Councilmember Vaughn stated it is not unusual to have transition properties between Commercial and Residential, generally professional services and Office Institutional is the best category to put that type of transition in with. Mr. Williams stated the majority of the properties around there are R-1 or R-2 designations.

Chairman Davis asked Mr. Miller would he like to proceed with General Commercial or what would be his preference? Mr. Miller stated he didn't anticipate a war when he purchased the little building and he would love to have a little office there. He stated he wrote Mr.

Williams and his children a letter indicating this was not life or death to him but he would love for them to support him because he wanted to make this a beautiful place, and he promises it would be a lot prettier than it is now. Mr. Miller stated he was told that before this was a dance studio it was an auto body shop and he owned it. Mr. Williams stated he owned the building but he didn't own the business. Mr. Miller indicated he would do whatever Council suggests to make this a Real Estate Office; if that doesn't work then he would sell it. He stated it could be worse; he could probably put a trailer in the back and rent it to 12 people with 12 cars but he doesn't want to do that.

Councilmember Mims asked what size was the property? Mr. Williams stated it is .35 of an acre. Councilmember Mims stated they have been zoning Commercial properties for a long time and they need to have a certain amount of property.

Councilmember Spooner stated that if the people who live beside the property object to the zoning she would have to object to it.

Chairman Davis asked Mr. Williams how would they feel about Office Institutional? Mr. Williams stated his understanding is that this would be spot-zoning and he would probably have a problem with it because it is still commercial. Supervisor Rozier stated that according to the Ordinance they can't do Office Institutional because it would be spot-zoning. Mr. Stokes stated he would be happy to research it further and because it's not a buffer zone that transitions the property, one parcel is not going to accomplish that. Supervisor Rozier asked does Commercial require a buffering between it and Residential? Mr. Stokes stated there are some requirements. Supervisor Rozier asked does this property have enough space for the buffering? Mr. LeaMond stated there is 25-ft. of trees and shrubs or a 10-ft. and a 6-ft. privacy fence on the outer perimeter. Councilmember Vaughn asked what is the property currently zoned? Mr. LeaMond stated it is zoned R-2; at the time it was zoned it was being used as a dance studio, which is allowed under R-2.

Chairman Davis indicated this item would be held until the Attorney can research it.

Chairman Davis called for a recess at 8:15 p.m. and reconvened the meeting at 8:22 p.m.

Chairman Davis stated Item C2 was Bill No. 00-80, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Wayne Dangerfield has been withdrawn until next month.

Item D1, Review prior to Second Reading of the following:

1. Bill No. 00-76, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Robert L. Small, 4082 Highway 45, Cross, TMS #031-00-01-062 (0.7 acres), from F-1, Flexible District, to CN, Neighborhood Commercial. Council District No. 7.

Councilmember Vaughn moved for approval; seconded by Councilmember Pinckney; and passed by voice vote of the Committee.

2. Bill No. 00-77, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Rutha Lee Kinloch for Robert & Carrie Kinloch, 1015 Brokinrich Road, Huger, TMS #256-00-00-051 (.92 acres), from R-2, Mobile Home Residential, to CN, Neighborhood Commercial. Council District No. 8.

Councilmember Richardson moved for approval; seconded by Councilmember Vaughn; and passed by voice vote of the Committee.

3. Bill No. 00-79, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Steve Vaughn, Caromi Village Subdivision TMS #243-01-01-002 thru 060, 243-01-01-062 and 063 (61 lots total), from R-2, Mobile Home Residential, to R-1MM, Manufactured Multi Unit Residential. Council District No. 5.

Councilmember Mims moved for approval; seconded by Councilmember Vaughn; and passed by voice vote of the Committee.

4. Bill No. 00-81, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Beatrice Singleton, 1951 Highway 52, Moncks Corner, TMS #181-00-01-024 (11.3 acres), from HI, Heavy Industrial, to F1, Flexible District. Council District No. 8.

Councilmember Vaughn moved for approval; seconded by Councilmember Vaughn; and passed by voice vote of the Committee.

Item E, Review prior to Third Reading of the following:

1. Bill No. 00-74, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Steven C. Brooks, New Highway 52, Moncks Corner, TMS #224-00-01-044 (16.71 acres), from R2, Mobile Home Residential, to CG, General Commercial. Council District No. 4.

Councilmember Vaughn moved to approve; seconded by Councilmember Mims; and passed by voice vote of the Committee.

2. Bill No. 00-75, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: C. E. Driggers, 909 College Park Road, Summerville, TMS #233-08-03-002, (7.20 acres), from R-1, Single Family Residential, to R-1MM, Manufactured Multi-Unit Residential. Council District No. 4.

Councilmember Vaughn moved for approval; seconded by Councilmember Pinckney; and passed by voice vote of the Committee.

Councilmember Crosby moved to adjourn.

Councilmember Spooner asked did Councilmember Mims want to go back and discuss Item A? Councilmember Mims stated she would like to go into Executive Session to discuss it. Supervisor Rozier asked what would be the reason for an Executive Session? Councilmember Mims stated she wanted to express the disrespect she felt she received by calling and asking that this item be held. "I talked to Ms. Austin, I called Mr. Davis' house and talked to his wife, he was to call me back, which he did not call me back." Councilmember Davis: "No. I didn't call you back, I thought Ms. Austin would when she called me with your request; I told her we were going to discuss this tonight because it's been going on for a year and we are not waiting another month." Councilmember Mims: "Well the thing about it is this has been going on longer than a year, it's been going on like two years." Supervisor Rozier: "November of 1999." Councilmember Davis: "I've only been involved in it a year and we need to wind this up." Councilmember Mims: "I agree, but what we were talking was really one month, we had a meeting just a few days ago and the folks out there asked me can we get the people that they need to talk to, to call me and tell me that they wanted to go with this R-2R (f), did they have enough time. So, I said well we could wait a month, so I don't know of anybody on this Council that would have that disrespect for another Councilmember but it has happened to me." Councilmember Davis: "At the last meeting Ms. Mims your people came to me and said that they want to go ahead and move with it; so, that's the reason I put it on the agenda; they wanted to move forward with it and you didn't want to." Councilmember Mims: "Well, you weren't at the meeting, Charlie, at the fire department."

Councilmember Vaughn stated there has been a motion to adjourn and they are moving forward with this item. The people were given until May 1 to apply and he doesn't think an Executive Session is needed for them to go in there and beat up each other.

Councilmember Vaughn seconded the motion to adjourn; and passed by voice vote of the Committee.

The Meeting adjourned at 8:27 p.m.

COMMITTEE ON LAND USE
(Standing Committee of Berkeley County Council)

Chairman: Mr. Charles E. Davis, District No. 4

Members: Mr. Milton Farley, District No. 1
Mrs. Judith K. Spooner, District No. 2
Mr. William E. Crosby, District No. 3
Mr. Steve M. Vaughn, District No. 5
Mrs. Judy C. Mims, District No. 6
Mr. Caldwell Pinckney, District No. 7
Mr. Henry L. Richardson, Jr., District No. 8
Mr. James H. Rozier, Jr., Supervisor, ex officio

There will be a meeting of the COMMITTEE ON LAND USE, Standing Committee of Berkeley County Council, on Monday February 12, 2001, in the Assembly Room, Berkeley County Office Building, 223 North Live Oak Drive, Moncks Corner, South Carolina, following the meeting of the Committee on Planning and Development, the Committee on Water and Sanitation, the Committee on Community Services and the Committee on Justice and Public Safety, scheduled to begin at 6:00 p.m.

AGENDA

- A. Discussion of R-2R (f) Zoning Classification.
- B. Discussion in regard to travel trailer parked on the corner of Indian and Tomahawk Drives, Sangaree:

Comments by:

Bruce A. and Debbi Chambers
Kenneth W. Jones and Lisa A. Likes

- C. Consideration prior to First Reading of the following:
Held in Committee – did not receive first reading:

1. Bill No. 00-78, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Larry Miller, 1771 Old Highway 52, Moncks Corner, TMS #181-02-02-050 (0.35 acres), from R-2, Mobile Home Residential District, to CG, General Commercial District. Council District No. 8.
[Staff recommended approval]
[Planning Commission recommended approval]

Comments by:

Larry Miller
Ronnie Williams

2. Bill No. 00-80, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Wayne Dangerfield, 1496 State Road, Summerville, TMS #209-02-01-003 and #209-02-01-029 (9.85 acres), from R-2, Mobile Home Residential District, to LI, Light Industrial District. Council District No. 4.

[Staff recommended denial]

[Planning Commission recommended denial]

Comments by:

Wayne Dangerfield
Ms. Doris Pellegrini

D. Review prior to Second Reading of the following:

1. Bill No. 00-76, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Robert L. Small, 4082 Highway 45, Cross, TMS #031-00-01-062 (0.7 acres), from F-1, Flexible District, to CN, Neighborhood Commercial District. Council District No. 7.

2. Bill No. 00-77, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Rutha Lee Kinloch for Robert & Carrie Kinloch, 1015 Brokinrich Road, Huger, TMS #256-00-00-051 (.92 acres), from R-2, Mobile Home Residential District, to CN, Neighborhood Commercial District. Council District No. 8.

3. Bill No. 00-79, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re Steve Vaughn, County Councilman District No. 5, Caromi Village Subdivision TMS #243-01-01-002 thru 060, 243-01-01-062 and 063 (61 lots total), from R-2, Mobile Home Residential District, to R-1MM, Manufactured Multi-Unit Residential District. Council District No. 5.

4. Bill No. 00-81, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Beatrice Singleton, 1951 Highway 52, Moncks Corner, TMS #181-00-01-024 (11.3 acres), from HI, heavy Industrial District, to FI, Flexible District. Council District No. 8.

E. Review prior to Third Reading of the following:

1. Bill No. 00-74, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Steven C. Brooks, New Highway 52,

Moncks Corner, TMS #224-00-01-004 (16.71 acres), from R-2, Mobile Home Residential District, to CG, General Commercial District. Council District No. 4.

2. Bill No. 00-75, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: C. E. Driggers, 909 College Park Road, Summerville, TMS #233-08-03-002, (7.20 acres), from R-1, Single Family Residential District, to R-1MM, Manufactured Multi-Unit Residential District. Council District No. 4.

February 7, 2001
S/Barbara B. Austin
Clerk of County Council